IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 551 OF 2007

MRS. LALITA SHYAM KAMAT AND ANR., ... Petitioners
Versus
MRS. MARIA JULIET D'SOUZA ALIAS
MARIA ALBERTINA ANTONIO DE GRACIA
D'SOUZA ... Respondent

Mr. V. P. Thali, Advocate for the petitioners.

Coram:- F.I. REBELLO, J.

Date:- 21st November, 2007

P.C.

This is a petition under Article 227. The learned trial Court on considering the cause shown has accepted the written statement to the counter claim. The issue as to whether the provisions of Order VIII Rule 1 of C.P.C. will also apply to the counter claim is not gone into. The Supreme Court has reiterated from to time that the procedure is not meant to trip justice, but meant to aid justice. Once the trial Court has exercised its discretion and no perversity is pointed out, in my opinion, this is not a fit case where this Court should exercise its extra-ordinary jurisdiction. The petition is rejected.

F.I. REBELLO, J.

ssm.